

**IN THE DISTRICT COURT OF GUAM  
TERRITORY OF GUAM  
CRIMINAL MINUTES  
TRIAL**

CASE NO.: CR-07-00043-001

DATE: June 26, 2007

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HON. FRANCES M. TYDINGCO-GATEWOOD, Chief Judge, Presiding

Law Clerk: Kim R. Walmsley

Court Reporter: Wanda Miles

Courtroom Deputy: Leilani Toves Hernandez

Electronically Recorded: 9:06:42 - 10:53:00

11:13:49 - 11:41:36

12:40:17 - 2:17:01

2:34:08 - 3:34:30

3:48:49 - 4:20:20

CSO: F. Tenorio

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**APPEARANCES:**

Defendant: Xian Long Yao

Attorney: William L. Gavras

☒ Present ☒ Custody ☐ Bond ☐ P.R.

☒ Present ☐ Retained ☐ FPD ☒ CJA

U.S. Attorney: Karon Johnson

U.S. Agent: Mike Hernandez, I.C.E.

U.S. Probation: None Present

U.S. Marshal: T. Muna / T. Padua / F. Taitague

Interpreter: Chung L. Harrell

Language: Mandarin

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**PROCEEDINGS: Continued Jury Trial**

- Day No. 2 of trial.
- Voir dire held.
- Jury empaneled and sworn.
- Opening statement by the plaintiff and defendant.
- Witnesses sworn and examined; Exhibits marked and admitted - see attached Exhibit and Witness List, AO Form 187 (and 187a, when applicable).
- Government rested their case.
- Court and parties discuss proposed jury instructions .
- Closing Arguments and Jury Instructions set for: June 27, 2007 at 9:00 a.m.
- Jury admonished and instructed to report in at 8:30 a.m.

**NOTES:**

Defense counsel's oral Motion to Present a Necessity Defense was denied.

# UNITED STATES DISTRICT COURT

DISTRICT OF

GUAM

United States of America

## EXHIBIT AND WITNESS LIST

V.

Xian Long Yao

Case Number: **CR-07-00043-001**

PRESIDING JUDGE <b>FRANCES M. TYDINGCO-GATEWOOD</b>						PLAINTIFF'S ATTORNEY <b>KARON JOHNSON</b>	DEFENDANT'S ATTORNEY <b>WILLIAM L. GAVRAS</b>
HEARING DATE (S) June 26, 2007						COURT REPORTER WANDA MILES	COURTROOM DEPUTY LEILANI TOVES HERNANDEZ
JOINT NO.	PLTF NO.	DEF. NO.	DATE OFFERED	DATE IDENTIFIED	DATE ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
						<b>Walter Haith, called and sworn</b>	
						DX by Karon Johnson	
	4		6/26/07	6/26/07	6/26/07	Certificate of Nonexistence of Records by Walter Haith	
						2:00 p.m. end DX	
						CX by Mr. Gavras	
	4		6/26/07	6/26/07	6/26/07	Certificate of Nonexistence of Records by Walter Haith	
						2:12 End CX	
						Re-DX by Ms. Johnson	
						2:15:06 End Re-DX; Witness excused	
						<b>2:17:01 - 2:34:08 Break</b>	
						<b>Michael Hernandez, called and sworn</b>	
						DX by Karon Johnson	
	1		6/26/07	6/26/07	6/26/07	Notice of Alien Ordered Removed/Departure Verification	
	2		6/26/07	6/26/07		Fingerprint card taken June 14, 2007	
						3:00:48 End DX	
						CX by Mr. Gavras	
						3:02:18 End CX; Witness excused	
						<b>Rodney Sayama, called and sworn</b>	
						DX by Karon Johnson	
	2		6/26/07	6/26/07	6/26/07	Fingerprint card taken June 14, 2007	
						3:06:28 End DX	
						No examination by Mr. Gavras; witness excused	
						<b>Julie Paulino, called and sworn</b>	
						DX by Ms. Johnson	
						Ms. Johnson moved for witness to be qualified as an expert.	
						Objection by Mr. Gavras (voir dire conducted)	
						<b>Objection - Overruled. Witness qualified as an expert.</b>	
	3		6/26/07	6/26/07	6/26/07	Report of fingerprint comparison by Julie Paulino	
	5		6/26/07	6/26/07	6/26/07	Enlarged photo of Exhibit #1 (fingerprint portion) and #2 - mounted on cardboard	
						3:29:24 End DX	
						CX by Mr. Gavras	
						3:31 End CX	
						Court examined witness	
						Witness excused	
						3:33:00 Government rested their case.	
						<b>4:20:20 End Day 2</b>	